

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEPHANIE NICOLE QUARRY,

Defendant-Appellant.

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UNPUBLISHED

June 17, 2021

No. 353030

Kalamazoo Circuit Court

LC No. 2019-000451-FH

Before: BOONSTRA, P.J., and MARKEY and SERVITTO, JJ.

PER CURIAM.

Defendant appeals by right her jury trial conviction of uttering and publishing, MCL 750.249. The trial court sentenced defendant, as a second-offense habitual offender, MCL 769.10, to 15 days in jail. We affirm.

I. PERTINENT FACTS AND PROCEDURAL HISTORY

In December 2018, Sandra Bowman (Bowman) discovered that a new checkbook had been stolen from her mailbox. In early January 2019, Bowman discovered that checks from that checkbook had been written and cashed at Advia Credit Union (Advia). She reported the theft to the Kalamazoo County Sheriff’s Office. Detective Michael Boisonault investigated Bowman’s claims and discovered that on December 26, 2018, defendant had deposited one of the stolen checks into her own Advia account. Bowman’s signature had been forged on the check, and “rent” was written in the memo line. Advia surveillance cameras had recorded defendant depositing the check and immediately withdrawing \$200 (the maximum daily amount) from an Advia ATM. Detective Boisonault interviewed defendant, who admitted to possessing and cashing the check, but she also stated that she had been given the check by an acquaintance, Sarah Stuu (Stuu). Stuu claimed that the check was from Stuu’s aunt, who wanted to “help out” defendant while she was “struggling.” According to defendant, she “had a feeling there was no aunt” when she allegedly accepted the check from Stuu.

Bowman testified that she had no relationship with defendant and had not written her the check. The prosecution admitted a photograph and video recording of defendant depositing the

check and using the ATM at Advia. Detective Boisonault testified regarding his interview with defendant.

The jury convicted defendant as stated. This appeal followed.

## II. STANDARD OF REVIEW

We review de novo a challenge to the sufficiency of the evidence supporting a criminal conviction. *People v Meissner*, 294 Mich App 438, 452; 812 NW2d 37 (2011).

[When] determining whether sufficient evidence has been presented to sustain a conviction, a court must view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. [*People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).]

We defer to the jury's credibility determinations. *People v Henderson*, 306 Mich App 1, 9; 854 NW2d 234 (2014), overruled in part on other grounds *People v Reichard*, 505 Mich 81; 949 NW2d 64 (2020). Further, it is the province of the jury to determine what inferences may be fairly drawn from the evidence. *Id.*

## III. ANALYSIS

Defendant argues that the evidence presented at trial was insufficient to support her conviction of uttering and publishing. We disagree.

Due process requires that a conviction is supported by "sufficient evidence to justify a rational trier of fact in finding guilt beyond a reasonable doubt." *People v Johnson*, 460 Mich 720, 722-723; 597 NW2d 73 (1999). Therefore, the prosecution's duty is to prove the elements of the crime beyond a reasonable doubt "in the face of whatever contradictory evidence the defendant may provide." *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). "Circumstantial evidence and the reasonable inferences that arise from that evidence can constitute satisfactory proof of the elements of the crime." *Henderson*, 306 Mich App at 9. "Even in a case relying on circumstantial evidence, the prosecution need not negate every reasonable theory consistent with the defendant's innocence, but need merely introduce evidence sufficient to convince a reasonable jury in the face of whatever contradictory evidence the defendant may provide." *People v Hardiman*, 466 Mich 417, 424; 646 NW2d 158 (2002) (quotation marks and citation omitted). An actor's intent can be inferred from all the facts and circumstances, and because of "the difficulty in proving an actor's state of mind, minimal circumstantial evidence is sufficient." *People v Fetterley*, 229 Mich App 511, 518; 583 NW2d 199 (1998).

The elements of an uttering and publishing conviction, MCL 750.249, are "(1) the knowledge on the part of the accused that the instrument was false; (2) an intent to defraud; and (3) presentation of the forged instrument for payment." *People v Johnson-El*, 299 Mich App 648, 652; 831 NW2d 478 (2013) (quotation marks and citation omitted).

Defendant argues that the prosecution failed to present sufficient evidence at trial that she knew the instrument was false when she presented it for payment.<sup>1</sup> We disagree. Defendant essentially argues that the evidence of her state of mind was circumstantial; that is, she contends that while the evidence shows that she *could* have realized the check was forged, or *could* have intended to defraud by cashing the check, there was no proof that she *actually* had the necessary knowledge and state of mind. Specifically, defendant addresses several pieces of evidence that, in defendant's view, are insufficient to support the inference that she actually knew that the check was false when she presented it: (1) defendant's statement that she had a "feeling" that the check was false, (2) defendant's prior knowledge of Stuu't's untrustworthiness, (3) Kalamazoo County Sheriff's Office Detective Boisonault's testimony that defendant should have known the check was false, (4) defendant's precarious financial position, (5) defendant's balance inquiries, and (6) defendant's witnessing Stuu't filling in the amount on the check. Defendant asks this court to weigh this evidence in favor of her innocence, but weighing evidence is the province of the jury. *Hardiman*, 466 Mich at 428. The jury was free to draw reasonable inferences in favor of the prosecution. *Id.* Moreover, we are required to view the evidence in the light most favorable to the prosecution. *Wolfe*, 440 Mich at 515. The evidence presented at trial, viewed in this light, allowed the jury to conclude that defendant knew the check had been forged when she presented it for deposit. We decline to invade the province of the jury and weigh the evidence differently, as defendant requests.

Affirmed.

/s/ Mark T. Boonstra  
/s/ Jane E. Markey  
/s/ Deborah A. Servitto

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<sup>1</sup> Although defendant also raises the issue of whether the evidence supported the conclusion that she had the intent to defraud, she does not separately address this element. She merely argues that if she did not know the check was forged, she did not possess the intent to defraud.